

**U.S. District Court
District of Oregon (Medford (1))
CIVIL DOCKET FOR CASE #: 1:19-cv-00766-CL**

Evans et al v. Federal Energy Regulatory Commission
Assigned to: Magistrate Judge Mark D. Clarke
Cause: 05:552 Freedom of Information Act

Date Filed: 05/15/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Deb Evans

represented by **Tonia L. Moro**
19 S. Orange Street
Medford, OR 97501
541-973 2063
Email: tonia@toniamoro.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Ron Schaaf

represented by **Tonia L. Moro**
(See above for address)
LEAD ATTORNEY
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Plaintiff

Bill Gow

represented by **Tonia L. Moro**
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LEAD ATTORNEY
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Plaintiff

Sharon Gow

represented by **Tonia L. Moro**
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Plaintiff

Stacey McLaughlin

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Plaintiff

Craig McLaughlin

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Plaintiff

Twyla Brown

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Plaintiff

Richard Brown

represented by **Tonia L. Moro**
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Plaintiff**Clarence Adams**

represented by **Tonia L. Moro**
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Plaintiff**Stephany Adams**

represented by **Tonia L. Moro**
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Plaintiff**Niskanen Center**

represented by **Tonia L. Moro**
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V.

Defendant**Federal Energy Regulatory Commission**

represented by **Kevin C. Danielson**
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Date Filed	#	Docket Text
05/15/2019	<u>1</u>	Complaint. Filing fee in the amount of \$400 collected. Agency Tracking ID: 0979-5851188 Filer is subject to the requirements of Fed. R. Civ. P. 7.1. Jury Trial Requested: No. Filed by Craig McLaughlin, Ron Schaaf, Sharon Gow, Stacey McLaughlin, Clarence Adams, Richard Brown, Niskanen Center, Deb Evans, Twila Brown, Bill Gow against Federal Energy Regulatory Commission (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons, # <u>3</u> Proposed Summons, # <u>4</u> Proposed Summons, # <u>5</u> Attachment). (Moro, Tonia) (Entered: 05/15/2019)
05/15/2019	<u>2</u>	Notice of Case Assignment to Magistrate Judge Mark D. Clarke and Discovery and Pretrial Scheduling Order. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. Discovery is to be completed by 9/12/2019. Joint Alternate Dispute Resolution Report is due by 10/15/2019. Pretrial Order is due by 10/15/2019. Dispositive motions are due 10/15/2019 Ordered by Magistrate Judge Mark D. Clarke. (jkm) (Entered: 05/15/2019)
05/15/2019	<u>3</u>	Scheduling Order by Magistrate Judge Mark D. Clarke regarding Discovery order, <u>2</u> . Dispositive Motions are due by 10/15/2019. Ordered by Magistrate Judge Mark D. Clarke. (jkm) (Entered: 05/15/2019)
05/15/2019	<u>4</u>	Summons Issued Electronically as to Federal Energy Regulatory Commission. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. (jkm) (Entered: 05/15/2019)
06/21/2019	<u>5</u>	Answer to <u>1</u> Complaint,. Filed by Federal Energy Regulatory Commission. (Danielson, Kevin) (Entered: 06/21/2019)

07/01/2019	<u>6</u>	RECORD OF ORDER by Magistrate Judge Mark D. Clarke: SETTING a telephonic Rule 16 Conference for August 5, 2019 at 10:00 AM . Conference call information will be provided in a separate entry. At the time of the Conference, parties should have their calendars available to discuss scheduling matters, including modification of the current case deadlines, joining additional parties and amending the pleadings, dispositive motions, and setting a trial date. The parties shall consult pursuant to FRCP 26(f) regarding a focused and proportional discovery plan prior to the Conference. Under LR 26.1(b) a written report is not required. However, the parties should be prepared to briefly summarize the issues in the case and give the Court a realistic picture of what discovery needs to be completed. The ultimate goal of the discovery plan shall be "the just, speedy, and inexpensive determination" of the action. FRCP 1. If depositions are anticipated, the parties should confer prior to the Conference and have a firm date for the depositions scheduled prior to the conference. Parties shall confer prior to the Conference and consider whether the case could benefit from a streamlined approach, utilizing limited discovery and early dispositive motions, settlement conference, or an expedited trial date. Finally, if the parties intend to file written consents to a magistrate judge, it would be helpful to do so prior to the Rule 16 Conference, particularly if they want to secure a firm trial date. Ordered by Magistrate Judge Mark D. Clarke. (rsm) (Entered: 07/01/2019)
07/30/2019	<u>7</u>	Joint Proposed Pretrial Order Lodged . Filed by Clarence Adams, Stephany Adams, Twyla Brown, Richard Brown, Deb Evans, Bill Gow, Sharon Gow, Craig McLaughlin, Stacey McLaughlin, Niskanen Center, Ron Schaaf. (Moro, Tonia) (Entered: 07/30/2019)
08/05/2019	<u>8</u>	MINUTES of Proceedings: Telephonic Rule 16 Conference held. Defendant's Motion for Summary Judgment is due by 9/17/2019. Plaintiff's Response and Cross Motion are due by 11/15/2019. Defendant's Reply is due by 12/16/2019. Plaintiff's Reply is due by 01/15/2020. All other deadlines are vacated until briefing schedule is concluded. Tonia Moro present as counsel for plaintiff. Kevin Danielson present as counsel for defendant. Court Reporter: Hearing was not recorded. Ordered by Magistrate Judge Mark D. Clarke. (rsm) (Entered: 08/06/2019)
09/16/2019	<u>9</u>	Motion for Extension of Time <i>to File its Motion for Summary Judgment</i> . Filed by All Defendants. (Danielson, Kevin) (Entered: 09/16/2019)
09/18/2019	<u>10</u>	ORDER: Granting Defendant's Motion for Extension of Time <u>9</u> to file it's Motion for Summary Judgment. Dispositive Motions are now due by 9/20/2019. Ordered by Magistrate Judge Mark D. Clarke. (rsm) (Entered: 09/18/2019)
09/20/2019	<u>11</u>	Unopposed Motion for Extension of Time <i>to File Motion for Summary Judgment</i> . Filed by Federal Energy Regulatory Commission. (Danielson, Kevin) (Entered: 09/20/2019)
09/25/2019	<u>12</u>	ORDER: Granting Defendant's Unopposed Motion for Second Extension of Time <u>11</u> to file Motion for Summary Judgment. Dispositive Motions are now due by 9/25/2019. Ordered by Magistrate Judge Mark D. Clarke. (rsm) (Entered: 09/25/2019)
09/25/2019	<u>13</u>	Motion for Summary Judgment . Filed by Federal Energy Regulatory Commission. (Danielson, Kevin) (Entered: 09/25/2019)
09/25/2019	<u>14</u>	Declaration of Lakesha Abney . Filed by Federal Energy Regulatory Commission. (Related document(s): Motion for Summary Judgment <u>13</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4) (Danielson, Kevin) (Entered: 09/25/2019)
09/25/2019	<u>15</u>	Supplemental Declaration of Lakesha Abney . Filed by Federal Energy Regulatory Commission. (Related document(s): Motion for Summary Judgment <u>13</u> .) (Attachments: # <u>1</u> Exhibit 5, # <u>2</u> Exhibit 6, # <u>3</u> Exhibit 7) (Danielson, Kevin) (Entered: 09/25/2019)
09/26/2019	<u>16</u>	Declaration of Terry Turpin . Filed by Federal Energy Regulatory Commission. (Related document(s): Motion for Summary Judgment <u>13</u> .) (Danielson, Kevin) (Entered: 09/26/2019)
11/15/2019	<u>17</u>	Response in Opposition to Motion for Summary Judgment <u>13</u> , Response to Concise Statement of Material Facts . Filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – FOIA Request, # <u>2</u> Exhibit 2 – FOIA Appeal, # <u>3</u> Exhibit 3 – Declaration Gibson, # <u>4</u>

		Exhibit 4 – Excerpt DEIS Blueridge, # <u>5</u> Exhibit 5 – Excerpt DEIS Purpose, # <u>6</u> Exhibit 6 – PCP NOA, # <u>7</u> Exhibit 7 – FERC FOIA Response, # <u>8</u> Exhibit 8 – Declaration Adams) (Moro, Tonia) (Entered: 11/15/2019)
11/15/2019	<u>18</u>	Motion for Summary Judgment . Filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – FOIA Request, # <u>2</u> Exhibit 2 – FOIA Appeal, # <u>3</u> Exhibit 3 – Declaration Gibson, # <u>4</u> Exhibit 4 – Excerpt DEIS Blueridge, # <u>5</u> Exhibit 5 – Excerpt DEIS Purpose, # <u>6</u> Exhibit 6 – PCP NOA, # <u>7</u> Exhibit 7 – FERC FOIA Response, # <u>8</u> Exhibit 8 – Declaration Adams) (Moro, Tonia) (Entered: 11/15/2019)
11/19/2019	<u>19</u>	Scheduling Order by Magistrate Judge Mark D. Clarke regarding Motion for Summary Judgment <u>13</u> , Motion for Summary Judgment <u>18</u> . Telephonic Oral Argument is set for 2/11/2020 at 02:00PM in Medford Courtroom 2 before Magistrate Judge Mark D. Clarke. Conference call information to be provided in a separate entry. Ordered by Magistrate Judge Mark D. Clarke. (rsm) (Entered: 11/19/2019)
12/05/2019	<u>20</u>	Motion for Leave to Appear Pro Hac Vice <i>for Attorney David Bookbinder</i> . Filing fee in the amount of \$300 collected; Agency Tracking ID: 0979–6109679. Filed by Clarence Adams, Stephany Adams, Twyla Brown, Richard Brown, Deb Evans, Bill Gow, Sharon Gow, Craig McLaughlin, Stacey McLaughlin, Niskanen Center, Ron Schaaf. (Moro, Tonia) (Entered: 12/05/2019)